



30 AUG 2007

Jackson Walker, LLP
901 Main Street
Suite 6000
Dallas, TX 75202-3797

In re Application of
XUE, et al.

U.S. Application No.: 10/551,697

PCT No.: PCT/CN04/00287

Int. Filing Date: 31 March 2004

Priority Date: 02 April 2003

Atty. Docket No.: HKPC-0003

For: SINGLE NUCLEOTIDE POLYMORPHISMS
FOR THE DIAGNOSIS AND TREATMENT OF
SCHIZOPHRENIA SPECTRUM DISORDERS

DECISION ON PETITION

UNDER 37 CFR 1.181

This decision is in response to applicant's "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action Under 37 CFR 1.181(A)" filed 17 April 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 31 March 2004, applicant filed international application PCT/CN04/00287 which claimed priority to an earlier application filed 02 April 2003. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 14 October 2004. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 02 October 2005.

On 30 September 2005, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1).

On 28 February 2007, applicant was mailed a "Notification of Abandonment" (Form PCT/DO/EO/09) indicating that the present application was abandoned as to the United States of America for failure to respond to the "Notification of Missing Requirements" (Form PCT/DO/EO/905) mailed 21 June 2006.

On 17 April 2007, applicant filed the present petition indicating that a copy of the Form PCT/DO/EO/905 was never received and requesting a withdrawal of the holding of abandonment.

DISCUSSION

A review of the application file finds no record of the Form PCT/Do/EO/905 purportedly mailed on 21 June 2006. The file contains a CRF Problem Report which indicates that the filed sequence listing was processed by the USPTO Scientific and Technical Information Center (STIC) on 21 June 2006, but no indication that a Form PCT/DO/EO/905 was mailed. As such, it is proper to GRANT applicant's petition at this time.

CONCLUSION

Applicant's petition under 37 CFR 1.181 is GRANTED.

The "Notification of Abandonment" (Form PCT/DO/EO/909) mailed 28 February 2007 is hereby VACATED.

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision, namely the issuance of a Form PCT/DO/EO/905 indicating that an executed oath or declaration of the inventors is required.



Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459